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June 16, 2014

## By ECF & Electronic Mail

The Honorable Analisa Torres  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Apotex Inc. and Apotex Corp. v. Acorda Therapeutics, Inc.*,  
11 Civ. 8803 (AT)(RLE)

Dear Judge Torres:

We write on behalf of all parties to jointly request a sixty-day adjournment of the July 23, 2014 Final Pretrial Submission Date. *See* Dkt. 77 (Scheduling Order) ¶ 11. No party has previously requested an adjournment of this date, and the requested adjournment would not affect any other scheduled dates.

As the Court is aware, the parties recently completed briefing on Acorda's Motion for Summary Judgment and are currently engaged in expert discovery. The parties have cooperated in the scheduling of expert depositions in order to ensure completion of all depositions by the June 23, 2014 deadline for completion of expert discovery. However, due to severe weather in the Washington, D.C. area resulting in the disruption of air travel by counsel traveling from Chicago, one expert deposition scheduled for last week had to be postponed at the last minute. That deposition has been rescheduled for the week of July 7, which is when the expert is next available.

The only remaining deadline in the schedule for this action is the Final Pretrial Submission Date. By that date, pursuant to the Scheduling Order and the Court's Individual Practices Rules, the parties must prepare, among other things:

- A Joint Pretrial Order, including, among other things, a list of all trial witnesses; a designation by each party of deposition testimony to be offered in its case in chief along with any counter-designations; and a list by each party of exhibits to be offered in its case in chief along with any corresponding objections.
- Pre-marked documentary exhibits.
- Motions in limine.

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- *Daubert* motions.
- Any pretrial memoranda of law.
- Joint proposed voir dire questions, requests to charge, and verdict form.

The parties have conferred and respectfully request a sixty-day adjournment of the deadline to complete this important work. The parties agree that they will require more than one month to properly prepare the above submissions. Ongoing expert discovery has so far prevented the parties from devoting significant time and attention to these materials, and the parties agree that rushed preparation of these submissions does not serve the interests of efficiency. Because the Final Pretrial Submission Date is the last scheduled date in this matter, the requested adjournment would not affect any other deadlines.

Finally, the parties have agreed to engage in a cooperative process for the orderly completion of the materials involved in the submission deadline at issue. For example, the parties have agreed to exchange, in advance of the deadline, deposition designations (so counter-designations can be identified), exhibit lists (so objections can be identified), and draft jury materials (so the parties can identify voir dire questions and charges on which they cannot agree). This schedule should ensure timely completion of these materials and facilitate (so far as possible) the efficient resolution of any disagreements.

For the foregoing reasons, the parties jointly request a sixty-day adjournment of the Final Pretrial Submission Date to September 22, 2014. We thank the Court for its consideration of this request.

Respectfully submitted,



John W. Nields, Jr.

cc: All Counsel of Record